IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19705 of 2004

Between:

B. Vinayak Ganesh, S/o Shri B. Vigneswar,
D.No. 5/64, M.G. Road, V.K.P. Temple, Kadiri, Anantapur District -

515 591 (A.P).

..... PETITIONER

AND

1 The Govt. of India, Rep. by its Secretary,
MHA ,New Delhi.
2 The Director General, CRPF, CGO Complex, Lodhi Road, New Delhi - 3.
3 The Addl. DIGP, CRPF, GC. Hyderabad-5 (A.P).
4 The Chief Medical Officer, Base Hospital-II, CRPF, Hyderabad -05.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned order dated 11-9-2004 in proceeding no. R-II-14/04-EC-5(22 BN) of the 3rd respondent as arbitrary discriminatory and illegal and consequently set aside the same and direct the respondent to refer the case to any Govt. Hospital preferably the Gandhi or Osmania to obtained to opinion the Ortho Specialist to assess to suitability of the petitioner for the post of Constable (GD) in CRPF and pass such other order or orders as the Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.NARINDER PAL SINGH

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner contends that in the army recruitment, he was selected subject to medical clearance. He was directed to appear before the 4th respondent and the 4th respondent through the proceedings dated 05-06-2004 declared him "unfit" due to "RUDIMENTARY CERVICAL RIBS" during X-ray chest and pathological examination. In the said proceedings, he mentioned that if the petitioner is aggrieved by the said decision, he may prefer an appeal. Accordingly, the petitioner preferred an appeal to the 3rd respondent. The 3rd respondent also, through the proceedings dated 02-07-2004, rejected the case of the petitioner finding him unfit by confirming the order of the 4th respondent. The petitioner being aggrieved by the order of the 3rd respondent, approached this Court seeking to direct the respondents to refer his case to the Government hospital preferably Gandhi or Osmania Government hospital for obtaining medical opinion regarding his suitability for the post of Constable in C.R.P.F. The recruitment to the post of Constable was made by the respondents under the relevant recruitment rules. They provisionally selected the petitioner subject to medical clearance, but, since the medical reports were against the petitioner finding him unfit for the post of the constable, the respondents did not choose to take him into service. When there is a full fledged machinery of medical experts available with the respondent-Organization and when they rejected his case, this Court cannot reopen the matter directing the respondents to send the petitioner to any Government hospital for the purpose of examination regarding his fitness to hold the post of Constable. It is not for the Writ Court to undertake exercise and this court would interfere if there is any illegality in the order passed by the concerned authorities. Since I do not find any illegality in the orders passed by the 3rd and 4th respondents, there shall be no interference in the matter.

Accordingly, the writ petition is dismissed. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 28th October, 2004.

*TSNR

TO

1. The Secretary, Government of India,MHA, New Delhi.

2 . The Director General, CRPF, CGO Complex, Lodhi Road, New

Delhi - 3.
3 . The Addl. DIGP, CRPF, GC. Hyderabad-5 (A.P).
4 . The Chief Medical Officer, Base Hospital-II, CRPF, Hyderabad -05.

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